

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LEON CARIL II,

Petitioner,

V.

ROBERT JACKSON,

Respondent.

CASE NO. 2:23-cv-01735-RSM-GJL

ORDER GRANTING MOTION TO
CONTINUE STAY

This matter is before the Court on referral from the District Court and on Petitioner Leon Caril II's Motion for an extension of time, construed by the Court as a Motion to continue the stay of his federal habeas action filed pursuant to 28 U.S.C. § 2254. Dkt. 27.

On April 8, 2024, the Court entered an Order directing service of the habeas Petition, but also directing Respondent to respond only to the question of whether Petitioner has exhausted his state court remedies as required for a § 2254 Petition. Dkt. 22. On April 12, 2024, Respondent filed a Response indicating that Petitioner has not exhausted his state court remedies prior to filing the § 2254 petition. Dkt. 24. Petitioner did not file a reply to the Response. *See* Dkt. Thereafter, on May 15, 2024, the Court entered an Order staying the case and directing Petitioner

1 to file a status report every 90 days informing the Court of the status of his state court
2 proceedings. Dkt. 25.

3 On July 23, 2024, Petitioner filed the instant Motion. Dkt. 27. In the Motion, Petitioner
4 indicates that his proceedings remain pending in state court and requests that the Court continue
5 the stay of these habeas proceedings until the completion of those state court proceedings. *Id.*
6 Respondent has not responded to Petitioner's Motion. *See* Dkt.

7 This Court may stay consideration of a habeas petition to allow a petitioner to exhaust his
8 remedies in state court before returning to federal court. *See Rhines v. Weber*, 544 U.S. 69, 274–
9 79 (2005). Because Petitioner is still exhausting his state court remedies, the Court finds good
10 cause to grant Petitioner's Motion. Thus, the Motion to continue the stay (Dkt. 27) is
11 **GRANTED** and the case shall remain **STAYED**.

12 Respondent is directed to **FILE a report every 90 days** informing the Court of the status
13 of Petitioner's state court proceedings. The first status report is due **on or before November 15,**
14 **2024**, and shall include the state court cause number(s). If the state court dismisses or resolves
15 Petitioner's state court proceedings, Petitioner or Respondent is directed to **INFORM** the Court
16 and **FILE** a motion to lift the stay **within 30 days of the state court taking such action**.
17 Respondent shall **FILE** its answer **within 45 days after the stay is lifted**.

18 Dated this 15th day of August, 2024.

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Grady J. Leupold
United States Magistrate Judge